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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,541	Applicant(s) KHAN ET AL.	
	Examiner Sam Rimell	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**SAM RIMELL
PRIMARY EXAMINER**

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2175

Preliminary Note: This office includes new grounds of rejection which are not entirely necessitated by the amendments presented to the claims. Accordingly, this action is made non-final.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: The preamble of claim 1 makes reference to purchase “on a website”, which is inconsistent with the remainder of the claim that discusses multiple web sites.

Claim 3-4: The phrase “the website” is indefinite since claim refers to multiple websites, not just one website.

Claim 10: See remarks for claim 1.

Claims 12-13: See remarks for claims 3-4.

Claim 19: See remarks for claim 1.

Claims 21-22: See remarks for claims 3-4.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. (U.S. Patent 5,960,411) in view of Bezos et al. (U.S. Patent 6,029,141).

Art Unit: 2175

Claim 1: Reference is made to FIG. 2 of Hartman et al., and its associated discussion at col. 5, line 59 through col. 6, line 13. The server (21) of Hartman et al. stores information about a user (client IDs) at a database table (212). The database table (212) is remote from a user (client station 220). The server (210) of Hartman et al. receives a request from the user (client station 220) to purchase a product. The server then retrieves a “purchase pattern”, which is the data contained in databases (214 and 215) that contain information about the user and information about the order. The item is then purchased based upon the purchase pattern data in databases (214) and (215).

Hartman et al. differs in that only appears to involve a transaction on a single merchant website. Bezos et al. teaches an analogous on-line product purchasing system in which requests can be further made to a second web site (associate site) that is different from the first web site (See FIG. 1). The purchases are initiated on the second website, which re-directs the purchasing request to the first website (the merchant web site). The retrieval of purchase pattern and completion of purchase are then finished on the main merchant website, such as the website of Hartman et al.

It would have been obvious to one of ordinary skill in the art to modify Hartman et al. to include associate websites for purchase referrals so as to enhance the sales and profitability of the primary merchant website as taught by Bezos et al.

Claim 2: The “purchase pattern” is the data contained in the databases (214) and (215). This includes a sequence of data required (billing information, col. 6, line 3); identification of web pages presented (entries for orders, col. 6, lines 4-5); and action required during a transaction (shipping information, col. 6, lines 3-4).

Claim 3: The step of identification of a website is the step of the user contacting the server, which supports a product purchasing website (in this case, Amazon.com). The determination of the identifier for a product is the step of having the server process the received order for a product using the data base of received orders (215).

Claim 4: FIG. 1C illustrates the recreation of a purchase transaction. In FIG. 1C, the completed purchase is re-created on the user's browser. The re-created purchase information is created after user first identifies the website (the user types in Amazon.com into the user's browser); the server utilizes the user information (processes the client ID to identify the customer); and the server processes the identifier of the product (processes the order for the product in the order database 215).

Claim 5: In Hartman et al., the user remains anonymous because the user only submits to the service a client ID contained in a cookie (col. 6, lines 12-13). The user does not enter complete name or address or other more specific identifiers.

Claim 6: FIG. 2, link 230 is shown to be hardwired communication link.

Claim 7: The user makes the purchase for the product by single clicking on the product (see 105 in FIG. 1B).

Claim 8: Col. 9, lines 66-67 illustrate the input of data via a wireless device (TV remote controller).

Claim 9: Item 230 in FIG.2 is a physical network connection.

Claim 10: See remarks for claim 1. Note that the system of Hartman et al. is a controlled by computer programming.

Claim 11: See remarks for claim 2.

Claim 12: See remarks for claim 3.

Claim 13: See remarks for claim 4.

Claim 14: See remarks for claim 5.

Claim 15: See remarks for claim 6.

Claim 16: See remarks for claim 7.

Claim 17: See remarks for claim 8.

Claim 18: See remarks for claim 9.

Claim 19: See remarks for claim 1.

Claim 20: See remarks for claim 2.

Claim 21: See remarks for claim 3.

Claim 22: See remarks for claim 4.

Claim 23: See remarks for claim 5.

Claim 24: See remarks for claim 6.

Claim 25: See remarks for claim 7.

Claim 26: See remarks for claim 8.

Claim 27: See remarks for claim 9.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2175

Claims 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. (U.S. Patent 5,960,411).

Claim 28: Identifying the website is the step of user typing in the “Amazon.com” website and going to that website. FIGS. 8A-8C illustrate the steps of determining the types of information required from a user. For example, if the user clicks is “A” in FIG. 8A, the system determines that six lines of user information is required, and presents the request for the six lines of information in FIG. 8B. Identifying the user information page is the steps of clicking on one of the sections “A”, “B”, “C” or “D” in FIG. 8A, or clicking the buttons “Next” or “Previous” in FIG. 8B. As seen in FIGS. 8B-8C, the types of information required are presented in fields. Once the data for sections “A”, “B”, “C” and “D” are entered, the data is stored in the databases within the server (210) in FIG. 2.

Claim 29: The user information sent to the website is recorded in the databases within the server (21), such as the databases (214) and (215).

Claim 30: See remarks for claim 8.

Claim 31: See remarks for claim 9.

Remarks

Applicant's arguments are moot in light of the new grounds of rejection. This office action is made non-final.

Art Unit: 2175

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', with a stylized, cursive flourish.

Sam Rimell
Primary Examiner
Art Unit 2175